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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,615	02/23/2004	David Glicksman	G-1	8381

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David Glicksman
53 Evelyn Street
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EXAMINER

KORNAKOV, MICHAEL

ART UNIT	PAPER NUMBER
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1746

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/784,615	Applicant(s) GLICKSMAN, DAVID	
	Examiner Michael Kornakov	Art Unit 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the instant disclosure includes two identical pages (page 1). Apparently, one page (page 1) should be removed. Appropriate correction is required.
2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. Claim 5 recites "an inside diameter of $\frac{3}{4}$ inches", which is not provided by the instant specification and therefore appropriate correction is required. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

Claim Objections

3. Claims 12, 13, 16, 18 are objected to because of the following informalities:

Claim 12 recites "containinated" cleaning fluid. Apparently, contaminated cleaning fluid should be indicated.

Claim 13 recites "the curved portion being substantially semicircular and an open end". Apparently, the curved portion being substantially semicircular and **having** an open end, is indicated.

Claim 16 recites "(a) inserting a tank cleaning device into a tank, a **fleible** hose having a nozzle and connectable to a source of cleaning fluid...". Apparently, the step of inserting a tank cleaning device into a tank, the tank cleaning device (including or comprising, M.K.) a flexible hose having a nozzle and connectable to a source of cleaning fluid..., should be indicated.

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Claim 18 recites "the jet of **cleaing** fluid **id** directed...". Apparently, the jet of cleaning fluid is directed..., should be indicated.

Appropriate clarifications/corrections are required. Applicant is encouraged to review the rest of the application to corrects any other remaining minor informalities/typos.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 6, are rejected under 35 U.S.C. 102(b) as being anticipated by Galanor (U.S. 3,121,027).

Galanor teaches tank washing system, comprising spin members, which include a hollow continuous rigid pipe having a straight portion and a curved portion, wherein the straight portion includes a connecting end for connecting to a source of the cleaning fluid and the curved portion being circularly bended and having a detachable nozzle end (Fig. 3, 7, 8; col. 10, lines 43-75; col. 11, lines 1-7; lines 55-66).

6. Claims 1, 2, 6, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Dick (U.S. 3,216,429).

Dick teaches a device for cleaning cylindrical objects, such as filters. The device of Dick comprises rigid tubes having a straight portion and a curved portion, the straight portion is connected to a source of cleaning fluid, the curved portion is substantially semicircular and flattened in order to provide a forced wide spray of cleaning fluid. Since tank reads on cylindrical object, since the size of the tank is not specifically elucidated, the apparatus of Dick is fully capable of cleaning tanks. Furthermore, a preamble, wherein the term "tank" is indicated, is generally not accorded any patentable weight where it merely recites the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, structural limitations are able to stand alone.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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9. Claims 4, 5, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galanor (U.S. 3,121,027).

With regard to claims 4, 8, Galanor does not specifically indicate material the spin members are made from. However, since materials such as steel, aluminum, fiberglass or plastic are conventionally utilized in the art for making rigid and corrosion resistant structural elements of cleaning devices, one skilled in the art would have found obvious to utilize such materials for spin members of Galanor with the reasonable expectation of success.

With regard to claim 5, Galanor remains silent about particular inside diameter and radius of the curved portion of the pipe. It is noted that there is no criticality of these parameters shown on the record. Therefore, to adjust the size of the particular structural elements to provide an operable device is within the skills of the ordinary skilled in the art and would be obvious. Furthermore, the Federal Circuit held that, where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device, consult *In Re Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984).

10. Claims 4, 5, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dick (U.S. 3,216,429):

Dick does not specifically indicate material the tubes are made from. Dick also

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remains silent about particular inside diameter and radius of the curved portion of the tube. The rejection of claims 4,5,8 as being unpatentable over Dick is based on the same rationale as provided for the rejection of these claims as being unpatentable over Galanor.

11. Claims 1, 3-5, 8-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haug (U.S. 4,574,825).

Haug teaches cleaning inside surfaces of large tanks and the like utilizing the tank cleaning apparatus. The apparatus of Haug comprises a hollow rigid straight pipe 32, connected to the source of spray material 29, and a hollow rigid curved pipe 7 of substantially semicircular shape the end of which is connected to a sprayhead for emitting a stream of cleaning fluid. With regard to claim 13, Haug teaches a hose 33 extending within the pipe 7 and leading to the connector for connecting to the sprayhead (col. 1, lines 43-53; col. 4, lines 34-52; Fig. 1,2).

The teaching of Haug differs from the instant claims by reciting two pipes - a hollow rigid straight pipe 32 and a hollow rigid curved pipe 7 of substantially semicircular shape, connected to each other versus a hollow **continuous** rigid pipe having a straight portion and a curved portion. However, It has been held that forming in one piece an article, which has been formerly formed in two pieces and put together involves only routine skill in the art, and therefore would be obvious, consult *In Re Howard v. Detrit Steel Works*, 150 U.S. 164 (1893). The rejection of claims 4, 5, 8 as being unpatentable over Haug is based on the same rationale as provided for the rejection of these claims as being unpatentable over Galanor.

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Regarding cleaning procedure, Haug teaches inserting parts of the cleaning apparatus into the tank, supplying a spray material to the apparatus, to spray it inside the tank through the sprayhead and rotate the apparatus about the center axis 2a(col.4. lines 3-13) and the center point of the hollow rigid curved pipe 7 to clean the entire interior of the tank.

With regard to claims 12 and 19, the teaching of Haug remains silent about removing the contaminated spray material from the tank through a discharge port in the bottom of the tank. However, since tanks are conventionally drained from the bottom, one skilled in the art would have found obvious to provide a discharge port at the bottom of the tank and discharge contaminated spray material from the bottom of the tank during its cleaning procedure of Haug.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Kornakov whose telephone number is (571) 272-1303. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michael Kornakov
Primary Examiner
Art Unit 1746

02/08/2007